

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ERNEST C. KEGLEY,)
)
)
Plaintiff,)
)
)
v.) Case Number CIV-04-1353-C
)
)
CORRECTIONS CORPORATION)
OF AMERICA, et al.,)
)
)
Defendant.)

MEMORANDUM OPINION

Now before the Court is a Notice of Motion for Relief from Judgment filed by Plaintiff Ernest C. Kegley (Kegley), a prisoner proceeding *pro se* and *in forma pauperis* under the authority of Fed. R. Civ. P. 60(b).^{*} The Court previously construed Kegley's motion to reconsider as a Rule 60(b) motion and denied it on the ground that he failed to allege exceptional circumstances sufficient to receive Rule 60(b)'s extraordinary relief. (Order, Dkt. No. 35.) Although Kegley now cites to Rule 60(b)(1), (2), and (6) as grounds for relief from judgment, his notice again fails for the same reason. Accordingly, Kegley's Notice of Motion for Relief from Judgment (Dkt. No. 37) is **DENIED**. In addition, the Court notifies Kegley that a successive Rule 60(b) motion is an "inappropriate vehicle[] to reargue an issue previously addressed by the court when the motion merely advances new arguments, or supporting facts which were available at the time of the original motion." Servants of

^{*} The facts and procedural posture of this action were well-discussed in Magistrate Judge Bana Roberts' Report and Recommendation. (Dkt. No. 31.) No beneficial purpose would be served by their repetition here.

Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000). Inappropriate Rule 60(b) motions will be dismissed. See id.; Van Skiver v. United States, 952 F.2d 1241, 1243 (10th Cir. 1992).

Plaintiff's Motion for Relief from Judgment is **DENIED**.

IT IS SO ORDERED this 22nd day of March, 2006.



ROBIN J. CAUTHRON
United States District Judge